W.P. No. 899 of 2004 (S/S)

Hon. P.C. Pant, J.

By means of this writ petition cancellation of the transfer order of the petitioner has been challenged.

Heard Mr. Rajendra Dobhal, learned counsel for the petitioner, Mr. J.P. Joshi, learned Standing Counsel for the State and Mr. J.C. Pande, learned counsel for the intervener.

Learned counsel for the petitioner submitted that the petitioner has already joined his duties ate Kanchanpuri, so the transfer could not have been cancelled. On he contrary, that as per the instructions received from the Office, some person submitted an application purporting to be on behalf of Mr. Kishor Chandra Upreti and on believing the said application the transfer in question was made. On objection of Mr. Upreti and finding that no such application was moved by him the transfer order was cancelled. The intervener, Mr. Kishor Chandra Upreti has also given a counter affidavit with the intervention application to that effect.

Paper No. 21 of said affidavit shows that the petitioner has already been relieved in compliance on the impugned order of cancellation from Knachanpuri. As such this Court is not inclined at this stage to stay the cancellation of transfer order in these circumstances.

The writ petition is dismissed accordingly at the stage of admission.

(P.C. Pant, J.)

Dt. 09.08.2004

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